

110TH CONGRESS
2D SESSION

H. R. 5218

To promote fire-safe communities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2008

Mr. UDALL of Colorado (for himself and Mr. FILNER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Agriculture, Natural Resources, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To promote fire-safe communities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fire-Safe Communities
5 Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act, the following definitions apply:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Federal
10 Emergency Management Agency.

1 (2) APPLICABLE MODEL ORDINANCE.—The
2 term “applicable model ordinance” means either—

3 (A) the Federal model ordinance required
4 by section 3(a); or

5 (B) a State model ordinance described in
6 section 3(d).

7 (3) APPROPRIATE REVIEW PANEL.—The term
8 “appropriate review panel” means a panel of individ-
9 uals who—

10 (A)(i) are fire protection experts; or

11 (ii) have significant expertise in fire man-
12 agement, fire policy, community planning, or
13 issues related to a fire hazard area; and

14 (B) are appointed by the Administrator.

15 (4) DIRECTOR.—The term “Director” means
16 the Director of the National Institute of Standards
17 and Technology.

18 (5) FIRE HAZARD AREA.—The term “fire haz-
19 ard area” means an area at significant risk from
20 wildland fire as determined by the applicable State
21 forestry agency or equivalent State agency.

22 (6) FIRE-SAFE COMMUNITIES.—The term “fire-
23 safe community” means—

1 (A) a subdivision of a State that has
2 adopted local ordinances that are consistent
3 with each element set out in section 3(b); or

4 (B) a municipality at risk that has adopted
5 local ordinances that are consistent with some
6 but not all of the elements set out in section
7 3(b), if the Administrator determines that local
8 conditions make the incorporation of such ele-
9 ments impractical or counterproductive for such
10 municipality.

11 (7) MUNICIPALITY AT RISK.—The term “mu-
12 nicipality at risk” means a subdivision of a State
13 that is located in a fire hazard area.

14 **SEC. 3. MODEL ORDINANCES FOR COMMUNITIES IN FIRE**
15 **HAZARD AREAS.**

16 (a) IN GENERAL.—Not later than 18 months after
17 the date of the enactment of this Act, the Director shall
18 publish a Federal model ordinance for municipalities at
19 risk that contains the elements described in subsection (b).

20 (b) ELEMENTS.—A model ordinance required by sub-
21 section (a) shall include the following elements with re-
22 spect to fire prevention and management:

23 (1) Specifications for construction materials
24 and techniques for use in such communities.

1 (2) Guidelines for the placement of utilities, de-
2 fensible space, and vegetation management.

3 (3) Enforcement mechanisms for compliance
4 with defensible space requirements.

5 (4) Zoning and site design standards for new
6 residential construction, including the width and
7 placement of surrounding fuel breaks and descrip-
8 tion of unsafe areas to locate new homes, such as
9 the top of highly dangerous canyons that funnel
10 wildfire heat.

11 (5) Specifications for water supplies for fire-
12 fighting.

13 (6) Requirements for adequate firefighting pro-
14 tection, including requirements for fire stations and
15 equipment.

16 (7) Guidelines for the participation of fire pro-
17 fessionals in the development of local fire protection
18 models.

19 (8) Standards for roads, culverts, and bridges.

20 (9) Guidelines for the marking of buildings and
21 homes.

22 (c) DEVELOPMENT OF FEDERAL MODEL ORDI-
23 NANCE.—

24 (1) CONSULTATION.—In developing the model
25 ordinance required by subsection (a), the Director—

1 (A) shall consult with the Administrator,
2 the Chief of the Forest Service, and the Direc-
3 tor of the Bureau of Land Management; and

4 (B) may consult with others, including pri-
5 vate entities that write fire codes.

6 (2) EXISTING STANDARDS.—The Director may
7 incorporate into the Federal model ordinance all or
8 part of existing consensus-based standards for fire
9 hazard areas, or other model codes (such as the
10 International Wildland-Urban Interface Code or Na-
11 tional Fire Protection Association standards).

12 (d) STATE MODEL ORDINANCES.—A State may
13 adopt model ordinances incorporating appropriate ele-
14 ments set out in subsection (b) for the communities of
15 such State.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated \$7,500,000 to carry out
18 subsection (a).

19 **SEC. 4. FIRE MANAGEMENT ASSISTANCE GRANTS FOR**
20 **FIRE-SAFE COMMUNITIES.**

21 (a) IN GENERAL.—

22 (1) FIRE MANAGEMENT ASSISTANCE GRANT
23 PROGRAM.—The Administrator may modify, for a
24 municipality at risk, the requirements of the Fire
25 Management Assistance Grant Program related to

1 the provision of a non-Federal share of funds, as set
2 forth in paragraph (2).

3 (2) NON-FEDERAL SHARE.—If a municipality
4 at risk has adopted an applicable model ordinance
5 and is making significant progress toward imple-
6 menting that model ordinance, the Administrator
7 may reduce the required amount for such non-Fed-
8 eral share to 10 percent of the grant amount.

9 (b) RULEMAKING.—Not later than 18 months after
10 the date of the enactment of this Act, the Administrator
11 shall complete a rulemaking—

12 (1) to define “significant progress toward im-
13 plementing that model ordinance” as used in sub-
14 section (a); and

15 (2) to establish other procedures and require-
16 ments for decreasing the non-Federal share for the
17 Fire Management Assistance Grant Program pursu-
18 ant to subsection (a).

19 (c) FIRE MANAGEMENT ASSISTANCE GRANT PRO-
20 GRAM DEFINED.—In this section, the term “Fire Manage-
21 ment Assistance Grant Program” means the fire manage-
22 ment assistance grant program carried out pursuant to
23 section 420 of the Robert T. Stafford Disaster Relief and
24 Emergency Assistance Act (42 U.S.C. 5187).

1 **SEC. 5. GRANTS FOR RESPONSIBLE DEVELOPMENT.**

2 (a) IN GENERAL.—Subject to the availability of
3 funds for this purpose, the Administrator shall provide
4 grants to municipalities at risk—

5 (1) to encourage responsible development in
6 State-identified fire-prone regions; and

7 (2) to mitigate the catastrophic effects of fires.

8 (b) USE OF FUNDS.—Grants awarded under this sec-
9 tion may be used as follows:

10 (1) By fire-safe communities to implement or
11 enforce local ordinances consistent with an applica-
12 ble model ordinance.

13 (2) To carry out programs to provide education
14 to community planners and local fire departments on
15 code enforcement and fire-resistant planning, zoning,
16 and home construction.

17 (3) To enforce requirements related to residen-
18 tial construction or brush clearing requirements.

19 (4) To create fire maps using geographic infor-
20 mation system technology and provide training in
21 such technology.

22 (5) To provide education to the public on fire-
23 safe practices.

24 (c) MAXIMUM GRANT AWARDS.—The amount of a
25 grant awarded under this section may not be more than
26 \$1,000,000.

1 (d) APPLICATIONS.—

2 (1) IN GENERAL.—An application for a grant
3 under this section shall be made at such time and
4 in such manner as the Administrator shall require.

5 (2) MATCHING REQUIREMENT.—

6 (A) IN GENERAL.—Subject to subpara-
7 graph (B), the Administrator shall require that
8 a municipality that receives a grant under this
9 subsection provide non-Federal funds in an
10 amount equal to 25 percent of the amount of
11 such grant.

12 (B) WAIVER.—The Administrator may
13 waive the requirement of subparagraph (A) in
14 extraordinary circumstances.

15 (3) REVIEW.—Applications for grants under
16 this section shall be reviewed by an appropriate re-
17 view panel established by the Administrator.

18 (e) SCHEDULE.—A grant awarded under this section
19 shall be expended not later than 3 years after the date
20 the grant is awarded.

21 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to carry out this section
23 \$25,000,000 for fiscal year 2008 and each fiscal year
24 thereafter.

1 **SEC. 6. GRANTS FOR FIRE-HAZARD ASSESSMENT MAPS.**

2 (a) IN GENERAL.—The Administrator shall provide
3 grants to States to create or update fire-hazard assess-
4 ment maps.

5 (b) USE OF FUNDS.—Grants awarded under this sec-
6 tion may be used as follows:

7 (1) To develop or update maps that assess fire
8 hazard in a State.

9 (2) To conduct studies and to provide equip-
10 ment, personnel, or other resources necessary to de-
11 velop or update such maps.

12 (c) MAXIMUM GRANT AWARDS.—

13 (1) AMOUNT.—The amount of a grant awarded
14 under this section may not be more than
15 \$1,000,000.

16 (2) REQUIREMENT FOR MATCHING FUNDS.—A
17 State that receives a grant under this section shall
18 provide an equal amount of State funds to create or
19 update fire-hazard assessment maps.

20 (d) APPLICATIONS.—

21 (1) IN GENERAL.—An application for a grant
22 under this section shall be made at such time and
23 in such manner as the Administrator shall require.

24 (2) REVIEW.—Applications for grants under
25 this section shall be reviewed by an appropriate re-
26 view panel established by the Administrator.

1 (e) SCHEDULE.—A grant awarded under this section
 2 shall be expended not later than 3 years after the date
 3 the grant is awarded.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
 5 authorized to be appropriated to carry out this section
 6 \$15,000,000 for fiscal year 2008 and each fiscal year
 7 thereafter.

8 **SEC. 7. FOREST SERVICE AND DEPARTMENT OF THE INTE-**
 9 **RIOR GRANTS FOR COMMUNITY FIRE PRO-**
 10 **TECTION.**

11 (a) GRANTS BY DEPARTMENT OF THE INTERIOR; IN-
 12 CLUSION OF NON-FORESTED AREAS.—Subsection (a) of
 13 section 10A of the Cooperative Forestry Assistance Act
 14 of 1978 (16 U.S.C. 2106c) is amended—

15 (1) in the matter preceding paragraph (1)—

16 (A) by inserting “and the Secretary of the
 17 Interior” after “The Secretary”; and

18 (B) by striking “and equivalent State offi-
 19 cials” and inserting “equivalent State officials,
 20 and local officials”;

21 (2) in paragraph (3)—

22 (A) by striking “trees and forests” and in-
 23 serting “trees, forests, and rangelands”; and

24 (B) by inserting “and rangeland” after
 25 “overall forest”; and

1 (3) in paragraph (4)—

2 (A) by inserting “and rangeland” after “all
3 forest”; and

4 (B) by inserting “and other vegetation”
5 after “forest cover”.

6 (b) COMMUNITY AND PRIVATE LAND FIRE ASSIST-
7 ANCE PROGRAM.—Subsection (b) of such section is
8 amended—

9 (1) in paragraph (1)—

10 (A) in subparagraph (C), by striking
11 “and” at the end;

12 (B) in subparagraph (D), by striking
13 “wildfires.” and inserting “wildfires; and”; and

14 (C) by adding at the end the following new
15 subparagraph:

16 “(E) to enhance the capacity of local gov-
17 ernments to integrate fire-resistant community
18 and home design into local planning, zoning,
19 building code, and brush clearing ordinances.”;

20 (2) by striking paragraph (2) and inserting the
21 following new paragraph:

22 “(2) ADMINISTRATION AND IMPLEMENTA-
23 TION.—The Program shall be administered by the
24 Chief of the Forest Service and the Secretary of the

1 Interior and implemented through State foresters or
2 equivalent State officials.”;

3 (3) in paragraph (3)—

4 (A) in the matter preceding subparagraph
5 (A), by striking “Secretary,” and inserting
6 “Secretary and the Secretary of the Interior”;

7 (B) by redesignating subparagraphs (F),
8 (G), and (H) as subparagraphs (G), (H), and
9 (I), respectively; and

10 (C) by inserting after subparagraph (E)
11 the following new subparagraph:

12 “(F) programs to build the capacity of
13 local governments to design and maintain fire-
14 resistant communities;”;

15 (4) in paragraph (4), by inserting “or the Sec-
16 retary of the Interior” after “by the Secretary”; and

17 (5) in paragraph (5), by inserting “and the Sec-
18 retary of the Interior” after “The Secretary”.

19 (c) PILOT PROGRAM FOR FIRE-SAFE COMMU-
20 NITIES.—Such section is further amended—

21 (1) by redesignating subsections (c) and (d) as
22 subsections (d) and (e), respectively; and

23 (2) by inserting after subsection (b), the fol-
24 lowing new subsection (c):

1 “(c) PILOT PROGRAM FOR FIRE-SAFE COMMUNITIES
2 TO COORDINATE ACROSS JURISDICTIONAL BOUND-
3 ARIES.—

4 “(1) AUTHORITY.—The Secretary and the Sec-
5 retary of the Interior may carry out a pilot program
6 to assess the feasibility and advisability of providing
7 assistance to fire-safe communities located near Fed-
8 eral land to assist in Federal efforts to prevent and
9 manage fires.

10 “(2) GRANTS.—The Secretary and the Sec-
11 retary of the Interior may carry out the pilot pro-
12 gram through the award of grants for purposes of
13 the pilot program.

14 “(3) USE OF GRANT FUNDS.—A recipient of a
15 grant under the pilot program may use the grant for
16 any of the following:

17 “(A) To implement or enforce local ordi-
18 nances consistent with the Federal model ordi-
19 nance or applicable State model ordinance.

20 “(B) To complete cooperative fire agree-
21 ments that articulate the roles and responsibil-
22 ities for Federal, State, and local government
23 entities in local wildfire suppression and protec-
24 tion.

1 “(C) To develop or implement community
2 wildfire protection plans to better focus re-
3 sources to address priority areas for hazardous
4 fuels reduction projects.

5 “(D) To expand education programs to
6 raise the awareness of homeowners and citizens
7 of wildland fire protection practices.

8 “(E) To implement training programs for
9 firefighters on wildland firefighting techniques
10 and approaches.

11 “(F) To acquire equipment acquisition to
12 facilitate wildland fire preparedness.

13 “(4) MATCHING REQUIREMENT.—

14 “(A) IN GENERAL.—Subject to subpara-
15 graph (B), a person who receives a grant under
16 the pilot program shall provide non-Federal
17 funds in an amount equal to 25 percent of the
18 amount of such grant.

19 “(B) WAIVER.—The Secretary or the Sec-
20 retary of the Interior may waive the require-
21 ments of subparagraph (A) in extraordinary cir-
22 cumstances.

23 “(5) FIRE-SAFE COMMUNITY DEFINED.—In this
24 subsection, the term ‘fire-safe community’ has the

1 meaning given that term in section 2 of the Fire-
2 Safe Communities Act.”.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—Sub-
4 section (e) of such section, as redesignated by subsection
5 (c), is amended—

6 (1) in the matter preceding paragraph (1), by
7 striking “to the Secretary”;

8 (2) in paragraph (1), by striking “and” at the
9 end; and

10 (3) by striking paragraph (2) and inserting the
11 following new paragraphs:

12 “(2) to the Secretary—

13 “(A) \$35,000,000 for each of fiscal years
14 2008 through 2013; and

15 “(B) such sums as are necessary for each
16 fiscal year thereafter; and

17 “(3) to the Secretary of the Interior—

18 “(A) \$15,000,000 for each of fiscal years
19 2008 through 2013; and

20 “(B) such sums as are necessary for each
21 fiscal year thereafter.”.

22 (e) CONFORMING AMENDMENT.—Subsection (d) of
23 such section, as redesignated by subsection (c), is amend-

- 1 ed by inserting “and the Secretary of the Interior” after
- 2 “section, the Secretary”.

